



Center for Diversity and Inclusion (CDI)



Free Speech

Michigan Technological University is a diverse scholarly community. This community requires an environment of trust and openness where productive work, teaching, and learning can thrive.

At Michigan Tech we value all members of our community, we strive to create and sustain an inclusive and respectful atmosphere, and we take care of each other. We honor the exchange of free ideas, individual differences, and we respect free speech.

The University community recognizes the necessity of protecting First Amendment rights and encouraging free speech. Our community also recognizes that certain conduct can threaten the mutual respect that is the foundation of scholarly communities. Our policies are intended to secure the freedom of expression guaranteed by the United States Constitution while maintaining the trust and mutual respect that are vital to a diverse university community. Michigan Tech follows [the Chicago Principles.:](#) ([#slider-chicago](#))

Free Speech/ First Amendment Rights

The First Amendment (Amendment I) to the United States Constitution prohibits the making of any law respecting an establishment of religion, or prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the government for a redress of grievances. It was adopted on December 15, 1791, as one of the ten amendments that constitute the Bill of Rights.

Speech matters. If it didn't, there would be no reason to protect it. Sometimes the effects of free speech are positive, and sometimes these effects are negative. Sometimes it depends on the opinion being discussed. For example, if you support an opinion then free speech grounded in that opinion seems like a great idea. If you disagree with the opinion then free speech is a bad idea. The purpose of free speech is to allow for truly open dialogue and exchange of ideas among people who may not agree with one another.

Freedom of Expression

Freedom of expression is considered a fundamental right by law. Expression includes verbal and nonverbal actions that communicate a person's opinion, point of view, or identity. Freedom of expression includes the right to express your views aloud (for example through public protest and demonstrations) or through:

- published articles, books or leaflets
- television or radio broadcasting
- works of art
- the internet and social media

Although you have freedom of expression, you also have a duty to behave responsibly and to respect other people's rights.

Academic Freedom

Michigan Technological University is an institution where both students and faculty are free to pursue scholarship in an open environment without fear of reprisal. The rights

of faculty members to conduct scholarly activities in accordance with professional standards in their disciplines are guaranteed. Likewise, the rights of students to question, without fear of reprisal, the positions and points of view espoused by faculty is assured. A successful academic community depends on a balance of teaching and scholarship; both suffer when the freedom to pursue either in a fully open manner is compromised.

Academic Freedom has limitations.

- Faculty are entitled to freedom in the classroom to provide instruction on topics related to their subject-area expertise, but are advised not to portray themselves as experts on matters that fall outside of their subject.
- University educators are citizens and also employees. When they speak or write as citizens, they are free from institutional censorship or discipline, but they must remember that the public may judge their profession and their institution by their utterances. Hence, members of the Michigan Tech community should at all times strive to be accurate, exercise appropriate restraint, show respect for the opinions of others, be aware of the limits of their professional expertise.
- When speaking or writing as a citizen, Michigan Tech employees must make every effort to indicate that they are not communicating for the University. Including a statement such as: *“All views expressed here represent exclusively my own views and not those of my employer”* helps to clarify that an employee is speaking as a citizen rather than as a representative of the University.

Bias

Bias is a preconceived negative opinion or attitude about a group of people who possess common physical characteristics or cultural experiences

A bias related incident is any conduct, speech, or expression, motivated in whole or in part by bias or prejudice that is meant to intimidate, demean, mock, degrade, or marginalize, individuals or groups based on that individual or group's actual or perceived: disability and ability, age, geographic background, citizenship or immigration status, ethnicity, race, sex, color, gender, genetic information, national origin or ancestry, gender identity and expression, sexual orientation, parenting and pregnancy status, religion, veteran status, first generation status, or socioeconomic status.

Often, bias-related incidents are broadly or generally directed to an individual or group of individuals or include an action that, while disturbing and could cause negative consequences such as the loss of mutual respect, is not criminal or a University policy violation, and also could be protected under the first amendment.

Explicit bias is bias that is occurring directly and on a conscious level.

- An example would be when someone says “I don’t think women should be CEOs because they are too emotional.”

Implicit bias is bias that occurs indirectly and on a subconscious level.

- An example would be when at the hospital a woman walks into the room and the patient assumes it is the Nurse instead of the Doctor because of her gender.

Hate Crime

According to the United State Department of Justice, the first federal hate crimes statute was enacted in 1968. The statute made it a crime to use, or threaten to use, force to willfully interfere with any person because of race, color, religion, or national origin and because the person is participating in a federally protected activity, such as public education, employment, jury service, travel, or the enjoyment of public accommodations, or helping another person to do so. In 2006, new federal protections were added against crimes based on gender, disability, gender identity, or sexual orientation. Within the state of Michigan, a person is guilty of ethnic intimidation if that person maliciously threatens or physically contacts a person with intent to intimidate, harass, or damage the property of that person because of that person’s race, color, religion, gender, or national origin.

University Policies and Procedures

[Prohibition of Discrimination or Harassment: \(/eo-compliance/policies-procedures/university/\)](/eo-compliance/policies-procedures/university/)

[Grounds Policy: \(/policy/policies/facilities/5-06/\)](/policy/policies/facilities/5-06/)

[Student Conduct Policies: \(/conduct/student-conduct/\)](/conduct/student-conduct/)

[Student Leadership and Involvement Policies: \(/student-leadership/resources/policies/\)](/student-leadership/resources/policies/)

[Faculty Handbook: Academic Freedom: \(/faculty-handbook/faculty/chapter1/s1-7/\)](#)

[Threatening and Violent Behavior in the Workplace:](#)

<https://www.admin.mtu.edu/admin/procman/ch21/ch21p36.htm#behavior.....we>

[University Senate Policy 106.1 Academic Freedom: \(/senate/policies-procedures/list-policies/106.1.1/\)](#)

[University Senate 3.1.6 Statement of Professional Ethics: \(/faculty-handbook/faculty/chapter3/s3-1/316/\)](#)

How to find assistance and how to report

In an EMERGENCY, dial 911.

Assistance and problem-solving processes on campus are offered in various ways.

If you have a concern that you believe impedes these efforts for you personally, or for a friend or colleague, you have options to report these concerns. There are several options for submitting a report including reporting anonymously. You may also choose to report in person or you may address concerns or questions confidentially.

To report online:

Submit via the [Report a Concern: \(/deanofstudents/concern/\)](#) webpage.

For many of the Report of Concern options, you can choose to submit your concern **anonymously** if preferred.

- Please note that if you submit anonymously, we will respond to your concern, but will not be able to provide you with information regarding the outcome of the intervention and/or resolution.

For confidential assistance:

Students may contact the [Center for Student Mental Health and Well-being](#): [\(/well-being/\)](#) at 906- 487-2538 and employees may contact the [Employee Assistance Program](#): [\(https://northstareap.com/\)](https://northstareap.com/) Also available is [Office of the Ombuds](#): [\(/ombuds/\)](#) at speters@mtu.edu: [\(/mailto:speters@mtu.edu\)](mailto:speters@mtu.edu) or 906-487-2391.

For assistance and in-person reporting:

You may report your concern in person to the following offices:

[Center for Diversity and Inclusion](#): [\(/diversity-center/\)](#)

[Dean of Students Office](#) : [\(/deanofstudents/\)](#)

[The Office of Academic and Community Conduct](#): [\(/conduct/\)](#)

[International Programs and Services](#): [\(/international/\)](#)

[Equal Opportunity Compliance and Title IX](#): [\(/eo-compliance/\)](#)

[Human Resources](#): [\(/hr/\)](#)

[Graduate School](#) : [\(/gradschool/\)](#)

[Office of the Ombuds](#): [\(/ombuds/\)](#)

[Public Safety and Police Services](#): [\(/publicsafety/\)](#)

What happens when a report is submitted?

All concerns are taken seriously and reviewed in a timely and thorough manner. Once a concern is submitted, staff will assess the situation and determine any actionable steps. Below is a sample of how the process may work:

1. An incident is reported through the official reporting form.
2. When a report is submitted, a staff member will acknowledge receipt of report and offer to meet with the reporter to discuss next steps and connect them to resources. Reports may also be submitted anonymously which may limit the University's ability to

- respond to an incident. Michigan Tech highly values confidentiality, and only crucial or emergency information is shared to appropriate contacts.
3. Responses to incidents will vary depending on the severity of the event and can range from referrals to appropriate offices on campus to restorative conversations between the parties involved.
 4. If the person reporting the incident requests follow-up, an appropriate staff member will contact them to provide support and resources.
 5. When the student code of conduct is violated, the Office of Academic and Community Conduct will begin their own investigation and will determine possible sanctions. When criminal activity occurs, Public Safety and Police Services are notified and pursue their own investigation and respond accordingly. When cases involve faculty or staff as respondents, Human Resources and/or Institutional Equity work on addressing the incident or concern.
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FAQ

Are there limits to Free Speech?

There are a few limits to free speech. For example, unprotected speech includes “fighting words” (i.e. personally abusive epithets or an invitation to exchange fisticuffs), “true threats” (i.e. serious expression of an intent to commit an act of unlawful violence to a particular person or group of individuals) and “incitement” (i.e. speech that is directed at inciting or producing imminent lawless action or likely to incite or produce such action).

Also, Universities can impose time, place, and manner restrictions on protests for the purpose of preventing protesters from disrupting the normal work of the campus, including the educational environment and administrative operations. A campus can also impose content neutral restrictions (like the ability to hang posters in certain locations) to ensure a supportive learning environment for students.

What is the difference between hate speech and a hate crime?

Hate speech and hate crimes are two different things. Hate speech may be protected as free speech but a hate crime is not protected by the First Amendment. Hate speech

incidents are broadly or generally directed to individuals or groups, or include an action that, while disturbing and could cause negative consequences such as loss of mutual respect.

It is important to note that while hate speech can be allowable, it can be very harmful to individuals and groups. And, since we are an institution of education/professional setting, we can expect students, faculty, and staff to treat each other with professionalism and mutual respect in the educational setting.

What is the difference between bias and legal/policy defined harassment?

Bias is a preconceived negative opinion or attitude about a group of people who possess common physical characteristics or cultural experience. While it could be disturbing and could cause negative consequences such as loss of mutual respect, it is not criminal or a University policy violation.

Harassment is unwelcome conduct that is sufficiently severe, persistent or pervasive, and subjectively and objectively offensive as to substantially or effectively disrupt or undermine a person's ability to participate in or benefit from a University program or activity, including, but not limited to, employment. Bias does not raise to the level of harassment in regard to University policy unless it reaches to the level of this definition.

What is meant by Intent vs Impact?

Sometimes the intent of what a person says is very different from the impact on the person receiving. It is a good idea to not make assumptions about what they are saying. It is a good idea to ask for clarification about what they intended to communicate. It is 100% okay to point out that malicious intent is not welcomed.

What if a student is offended with a faculty or staff member's speech?

It is important to note that faculty members have what is called academic freedom ([Academic Freedom: \(/senate/policies-procedures/list-policies/106.1.1/\)](https://senate.policies-procedures/list-policies/106.1.1/)) and all employees do have the right to free speech. Sometimes in class/lab/organization meetings

conversations fall outside these lines. To address possible harm done, the appropriate supervisor would have a dialogue with that faculty or staff member to bring forward the student's impact on the statements made.

What are some suggestions of how I can speak up against hate speech?

We encourage you to consider resolving your concerns, if appropriate, on an informal basis. It is often difficult to confront a person and can be particularly difficult when the person engaging in the behaviors holds actual or perceived power over the person at whom it is directed. There are occasions, however, when an individual feels able to speak up. Tell that person that the behavior is offensive and request it stop. Tell the person that you will take further action if the behavior doesn't stop. We always encourage in-person dialogue, but it can be done by phone, email, or letter, and may resolve the matter without further issue. Be respectful in your tone. Use "I" language ("It upsets me when you say things like <insert> , I'm wondering if you are open to discuss?"). Use a joke ("Whoa... you are way outside my comfort bubble"). It is never a good idea to bully, threaten, or shame during these interactions.

See the Resource section for additional information from the Southern Poverty Law Center on Four Steps From Inaction To Intervention

However, if informal attempts at resolution are unsuccessful, inappropriate, or if you do not feel comfortable addressing the concerns, the University can assist you by contacting one of the resources listed above.

What about public facing media and free speech for employees?

If an employee's social media posts are outside of work, and they are posting as a citizen and not a representative of Michigan Tech, a citizen can post or share what they want. If an employee wants to post as a citizen, it is highly recommended that they do not identify themselves as an employee at Michigan Tech and state on their profile this statement; *"All views posted here represent exclusively my own views and not those of my employer."* Of course, employees can choose to have a professional page/profile and a personal page/profile. Please note that posts could matter, posting either as a

Michigan Tech employee or as a citizen, for example, if a person participates publicly in a controversial matter discussion, the question could be asked; can they still do their job effectively?

Can a person not affiliated with Michigan Tech use the outdoor spaces?

Michigan Technological University is a public institution, and our outdoor (and many indoor) spaces are available for [public use: \(/policy/policies/facilities/5-06/\)](/policy/policies/facilities/5-06/). Any individual or group may [submit a request to use our outside grounds: \(/publicsafety/services/ground-use/\)](/publicsafety/services/ground-use/), even if that individual or group is not affiliated with the University. When reviewing those requests, Michigan Tech — in [keeping with the First Amendment: \(/diversity-center/resources/free-speech/\)](/diversity-center/resources/free-speech/) of the US Constitution — does not discriminate based on viewpoint.

Resources

How to Respond to Incidents of Bias and Hate

The Southern Poverty Law Center recommends **Four Steps From Inaction To Intervention**

Public harassment or hate violence can occur unexpectedly in virtually any location. It may be on a bus, at school, at a shopping center, in a park or at any number of other public spaces. The unpredictable nature of such harassment can leave us feeling unprepared when an incident occurs. If you remember four key points, however, you can effectively respond.

1. **Know What Public Harassment Looks Like.** Understanding that harassment is happening – and why it's happening – is the first step toward effective intervention. Recognize that harassment exists on a spectrum of actions ranging from hurtful comments and gestures to violence. The type of bigotry fueling the harassment can

also run the gamut. Racism, sexism, ageism, classism, xenophobia, homophobia or religious discrimination are a few examples.

2. **Be Aware Of Your Identity Before Taking Action.** Look at who you are – or who you are perceived to be – at the intersection of race, sex, religion, color, gender, size, orientation, ability, age and origin. Awareness is important because a harasser may target you for your identity. In other words, your direct intervention could escalate the situation. If you share the same identity as the person committing the harassment, if you wield some authority, or if you are otherwise part of the dominant culture, your identity may allow you to de-escalate the situation by speaking to the harasser or intervening in a manner in which others are unable. Whatever your identity, it's important to tap into your experiences to effectively respond. Remember a time when you may have been targeted for harassment or hate violence. It may have been last week or when you were younger and bullied in school. By reflecting on your own experiences, you will be able to empathize with the person targeted, which is important for effective intervention. Just as you may not have been able to respond when you were targeted, it's important to remember that the person targeted may feel the same way. And if nobody came to your aid, you should remember what you would have wanted a bystander to do. If you have never been harassed, imagine what it might feel like to be targeted. What would you want someone to do? If you know someone who has been harassed, tap into their experiences when you encounter an incident. These measures can help prepare you to act when you might otherwise find yourself on the sidelines.
3. **Recognize Your Blocks, Or Reasons Why You May Not Intervene.** We all have such blocks. Sometimes we're scared. Other times, we may feel we can't make a difference – even if we act. We may believe it's simply not our problem, especially if no one else is doing anything. We might minimize the harassment or not even recognize the behavior as harassment. (A list examining some of the most common blocks – and why we should still take action – are examined elsewhere in this guide.) Whatever reasons stand in your way, the most important thing is to be aware of your blocks before choosing one of "The Five Ds of Bystander Intervention" that works for you.
4. **When An Incident Occurs, Choose One Of "The Five D's Of Bystander Intervention."** Each of the Ds offers a clear path of action. They include the following:
 - **Direct:** "That's not cool." Directly address the incident or harasser by stating that what's happening is inappropriate or disrespectful. Direct intervention has many risks; exercise it with caution and assess the situation for your safety first;
 - **Distract:** "Hey, what time is it?" Use distraction to stop the incident. The goal is to interrupt the incident by engaging the person being targeted and ignoring the harasser;

- **Delegate:** “Can I get your help over here?” Ask for help from a third party like a manager in the store, a driver on the bus, or a faculty or staff member on campus;
- **Delay:** “Are you OK?” If you can’t take action in the moment, you can make a difference afterward by checking on the people targeted. Ask how you can help and share resources for advocacy groups and reporting;
- **Document:** “I’m recording this.” It can be really helpful to record an incident as it happens, but there are a number of things to keep in mind to safely and responsibly document harassment. Assess the situation. Is anyone helping the person being harassed? If not, use one of the four steps above. If someone else is already helping, assess your own safety. If you are safe, start recording and keep the following tips in mind:
 - Keep a safe distance from the incident, make your video easy to verify by including landmarks like a street sign, clearly state the date and time on the video, and always ask the person harassed what they would like to do with the recording.
 - Never livestream the video or post it online without the person’s permission. Using a video without consent can make the person targeted feel more powerless.

Adapted from the Southern Poverty Law Center

The Chicago Principles

The Chicago Principles :

Report of the Committee on Freedom of Expressions from the University of Chicago:
The Chicago Principles.

Guidance For Managing a Political Climate

Guidance For Managing a Political Climate:

(<https://docs.google.com/document/d/1MnUVAmELVQYNjRexrO0bljU3ucevec2GXiNpGtEGs2I/edit?usp=sharing>)

Guidelines to assist staff in a challenging political climate

Free Speech on Campus by Edwin Chemerinsky and Howard Gilman

Free Speech on Campus by Edwin Chemerinsky and Howard Gilman:

(https://www.amazon.com/Student-Clashes-Campus-Leadership-Speech/dp/0367030756/ref=asc_df_0367030756/?tag=hyprod-20&linkCode=df0&hvadid=393797778643&hvpos=&hvnetw=g&hvrnd=4889849977820506496&hvpone=&hvp2=&hvp3=&hvp4=&hvp5=&hvp6=&hvp7=&psc=1&tag=&ref=&adgrpid=84682299034&hvpone=&hvptwo=&hvadid=393797778643&hvpos=837330449707)

Excerpt from Chapter 5 : What Campus Can and Can't Do

- "A campus can't censor or punish speech nearly because a person or a group considers it offensive or hateful.
- A campus can censor or punish speech that meets legal criteria for harassment, True threats, or other speech acts unprotected by the first amendment.(such as destruction of property or disruption of classes and campus activities)
- A campus can't prevent protesters from having a meaningful opportunity to get their views across in an effective way.
- A campus can impose time, place and manner restrictions on protests for the purpose of preventing protesters from disrupting the normal work of the campus, including the educational environment and administrative operations.
- A campus can't impose content based speech restrictions in dormitories.
- A campus can impose content neutral restrictions in dormitories design to ensure a supportive living environment for students.
- A campus can't censor or punish some speakers, but not others, for putting up handbills writing messages in chalk, or engaging in similar acts of expression.
- A campus can create general content neutral regulations governing on campus expression.
- The campus can't engage in content based discrimination against faculty, students, or other speakers or writers who seek to express themselves outside the professional context.
- A campus can engage in content-based evaluation of faculty and students who are operating within the professional educational context, as long as this evaluation is based on professional standards or peer assessments of the quality of scholarship or teaching.

- Faculty members may choose to revise students' warnings before presenting material that might be offensive or upsetting to them.
- Colleges and universities should not impose requirements that faculty provide "trigger warnings" before presenting or assigning material that might be offensive or upsetting to students.
- Campuses can create "safe spaces" in educational settings that ensure that individuals feel free to express the widest array of viewpoints, and can support student efforts to self organize in ways that reflect shared interests and experiences.
- Campuses can't use the concept of "safe spaces" to censor the expression of ideas considered too offensive for students to hear.
- The campus can't prohibit students or faculty from using words that some consider to be examples of "microaggressions".
- A campus can sensitize students and faculty to the impact that certain words may have as part of an effort to create a respectful work and learning environment.
- A campus can ensure that all student organizations, as a condition for recognition and receipt of funding, be open to all students and can impose sanctions on student organizations for conduct if it is not protected by the principles of freedom of speech.
- The campus cannot deny recognition to a student organization or impose sanctions against it for the views or ideas expressed by the organization, its members or its speakers.
- Colleges and universities can punish speech over the Internet and social media that otherwise is not protected such as true threats and harassment or speech inconsistent with professional standards.
- Colleges and universities can't punish speech over the Internet on the grounds that it's offensive.
- A campus should expect university administrators to speak out against especially egregious speech acts and, most important, encourage the university community to make its own decisions about what speech acts deserve praise or condemnation.
- A campus should not expect the university administrators to comment on or condemn every campus speech act that some person finds offensive."

The Foundation for Individual Rights in Education: (<https://www.thefire.org/>)'s mission is to defend and sustain the individual rights of students and faculty members at America's colleges and universities. These rights include freedom of speech, freedom of association, due process, legal equality, religious liberty, and sanctity of conscience — the essential qualities of liberty.

Michigan Tech Free Speech And Elections Policy Review Webinar

Michigan Tech Free Speech And Elections Policy Review Webinar:
(<https://drive.google.com/file/d/1v-N0gN26NAZDNLAscFm0strhM6uVwHil/view?usp=sharing>)
